

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

SENATE

Wednesday, June 8, 1977

Senate called to Order by the President.
Prayer by the Honorable Walter W. Hichens of Eliot.

Mr. HICHENS: Our Heavenly Father, as we bow before Thee, on this day which is so dreary outside, we pray that we may feel the sunshine of Thy love within our hearts, and help us to live for today, and for today alone, knowing that our yesterdays are past and our tomorrows are in Thine hands, and Thine alone.

We pray for wisdom, for understanding and a feeling of empathy for those with whom we serve. We ask for Thy guidance and Thy strength in every way.

Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, An Act to Create a Clients' Bill of Rights and Responsibilities. (H. P. 1594) (L. D. 1802)
In the House May 26, 1977 Passed to be Engrossed as amended by House Amendment "A" (H-430).

In the Senate, June 6, 1977 Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, with some regret, I move we insist and join in a Committee of Conference with the other Body.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate insist and join in a Committee of Conference.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Motion.

Will all those Senators opposed to the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

8 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby it adhered, and I urge the Senate vote against the Motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it adhered on LD 1802.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Non-concurrent Matter

Bill, An Act to Amend the Law Regulating Mass Gatherings. (H. P. 1603) (L. D. 1806)

In the Senate June 2, 1977 Passed to be Engrossed as amended by Senate Amendment "A" (S-180) and House Amendment "A" (H-441), in non-concurrence.

Comes from the House. Passed to be Engrossed as amended by Senate Amendment "A" and House Amendments "A" and "B" (H-525), in non-concurrence.

On Motion of Mrs. Snowe of Androscoggin,

The Senate voted to recede and concur.

Communications

Committee on Performance Audit

Honorable Joseph Sewall
President of the Maine Senate
State House
Augusta, Maine 04333
Dear President Sewall,

It is with pleasure that I report to you that the Committee on Performance Audit has completed all business placed before it by the 108th Legislature.

Total Bills Received	16
Unanimous Reports	12
Leave to Withdraw	3
Ought to Pass as Amended	2
Ought to Pass in New Draft	5
Referred to Committee on	
Human Resources	2
Divided Reports	4

Respectfully,

(Signed) RICHARD A. MORRELL
Senate Chairman

Which was Read and Ordered Placed on File.

Senate Paper
Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Harry A. Warren of Saco, Member of the 98th and 99th Legislatures and Mayor, City of Saco 1952-1955; (S. P. 537) Presented by Senator Danton of York.

Which was Read and Adopted.
Sent down for concurrence.

On Motion of Mr. Hichens of York, co-sponsor Mrs. Nelson of Portland.

WHEREAS, mentally retarded children need every advantage to acquire confidence in themselves and to succeed in building a positive image; and

WHEREAS, special olympics have been designed to give the mentally retarded that chance to develop skills and experience success through an organized programming of physical fitness; and

WHEREAS, through this unique program mentally retarded boys and girls of the State can share experiences of athletic competition not otherwise available; and

WHEREAS, the special olympics program for mentally retarded children is scheduled to be held at the Colby College campus, Waterville, on June 10, 11 and 12, 1977; now, therefore, be it

ORDERED, the House concurring, that the members of the One Hundred and Eighth Legislature, now assembled, commend the spread and development of the special olympics program and express our thanks to all those who participate, support and make possible, through this forthcoming olympic event, new hope and a better way of life for the mentally retarded; and be it further

ORDERED, that suitable copies of this Joint Order be forwarded to the olympic officials in token of our commendation and support. (S. P. 538)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate, early in my term as a State Representative several years ago, I became involved with the problems of mentally retarded by means of parents of these people at Pineland, and down through the years as a member of the Health and Institutional Services Committee.

I have had direct association with these problems, come to know many of these people, both in the institutions and outside of the institution, and it has been my privilege to attend four of the last five Special Olympics which have been held in Portland.

To those who have never attended any of these Special Olympics activities, they do not

know the thrill that they are missing in having an opportunity to watch these young people, who many of us feel are handicapped, but who prove that a handicap is not a handicap unless you allow it to become one, participate in so many of these sports events.

I would like to read you part of the invitation which has been sent to me, which I have been asked to extend to all of the Members of the Senate. It begins:

As you know, on June 10, 11, and 12th the city of Waterville will be hosting the 1977 Maine Special Olympics at Colby College. It will be the city of Waterville's and Colby College's first opportunity to host this event. We are very excited about providing these special people with the chance to compete in athletic events combined with the social aspects of two overnight stays. We are confident that it will be the best Special Olympics ever held.

At this time I would like to invite you to join us for the weekend and share with us the joy and love which will be abundant throughout this event. As you know, the accomplishments made by the participants and the smiles shared by all live with you long after the last medal is presented and the torch is extinguished.

Again I would urge any Senator who has the opportunity to go over to Colby College Friday afternoon and evening, and all day Saturday and watch these youngsters as they participate, even though the handicaps that they have are overcome in their own mind.

Thank you.

Which Joint Order was Passed.

Sent down for concurrence.

(Off Record Remarks)

Committee Reports
House
Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, An Act to Appropriate Funds to the Maine Amateur Athletic Union Cultural Exchange Program (Emergency) (H. P. 1343) (L. D. 1590)

Reported that the same Ought Not to Pass.

Signed:

Senators:
HUBER of Cumberland
MERRILL of Cumberland
MORRILL of Cumberland

Representatives:

GOODWIN of Bath
HIGGINS of Scarborough
NAJARIAN of Portland
PERKINS of Blue Hill
MORTON of Farmington
JALBERT of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-469).

Signed:

Representatives:
GREENLAW of Stonington
McBREAIRTY of Caribou
LeBLANC of Van Buren

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

Majority Ought Not to Pass Report Accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on, Bill, An Act Creating the Maine Capital Corporation. (H. P. 1011) (L. D. 1250)

Reported that the same Ought to Pass.

Signed:

Senators:
COLLINS of Aroostook
SNOWE of Androscoggin
MARTIN of Aroostook

Representatives:

MASTERTON of Cape Elizabeth
DIAMOND of Windham
LOCKE of Sebec
VALENTINE of York
KANY of Waterville
SILSBY of Waterville
BACHRACH of Brunswick
CURRAN of S. Portland
STUBBS of Hallowell

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Representative:

CHURCHILL of Orland

Comes from the House, the Bill to be Engrossed.

Which Reports were Read.

On Motion of Mr. Collins of Aroostook, Majority Ought to Pass Report accepted in concurrence.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. McNally for the Committee on Transportation on, Bill, An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission. (S. P. 92) (L. D. 216)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-205).

Mr. Collins for the Committee on State Government on, Bill, An Act to Provide that Regular Annual Reports of the Executive Branch be Made Through the Maine State Government Annual Report. (S. P. 336) (L. D. 1121)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-207).

Mr. Collins for The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State. (S. P. 252) (L. D. 778)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-206).

Which Reports were Read and Accepted and the Bills and Resolution Read Once. Committee Amendments "A" were Read and Adopted, and the Bills and Resolution, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Six members of the Committee on Marine Resources on, Bill, An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season. (S. P. 320) (L. D. 1077)

Reported in Report A that the same same Ought to Pass as amended by Committee Amendment "A" (S-204).

Signed:

Senators:

CHAPMAN of Sagadahoc
LEVINE of Kennebec
HEWES of Cumberland

Representatives:

CONNERS of Franklin
GREENLAW of Stonington
JACKSON of Yarmouth

Six members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Representatives:

FOWLIE of Rockland
BLODGETT of Waldoboro
NELSON of Roque Bluffs
BUNKER of Gouldsboro
POST of Owl's Head
TYNDALE of Kennebunkport

Which Reports were Read.

Ought to Pass, as amended, Report Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, An Act Relating to Employee Contributions to Unemployment Trust Fund. (S. P. 296) (L. D. 922)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

ELIAS of Madison
TARR of Bridgton
LEWIS of Auburn
LAFFIN of Westbrook
BUSTIN of Augusta
FLANAGAN of Portland
PELTIER of Houlton
DUTREMBLE of Biddeford
BEAULIEU of Portland
McHENRY of Madawaska

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-198).

Signed:

Senators:

McNALLY of Hancock
REDMOND of Somerset

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I move the acceptance of the Ought to Pass Report, and will explain the Bill a little bit.

This is one Bill whereby it has been suggested, even in the Federal Government, that maybe in order to do what the Unemployment Fund has to do now, it may be possible that you will have to have some sort of a trigger Bill whereby that the employees will have to donate to it, as well as the employers. Unemployment has been, in times past, only an insurance, but in the last year or so especially here in Maine, it has been taken as a welfare as much as an insurance.

Now in case that more and more people are going to be put under the Unemployment Fund, it is very possible that the employers will never be able to keep it up to the point that it should be, and this Bill simply says that when it gets below a certain amount of money, in this case \$10 million, that then the employees will donate one percent of their wages towards it. For good or for bad, it is a Bill that should be considered, and the reason why I signed it Ought to Pass. There surely has got to be something done to make the Unemployment Fund work, or it is going to be in an awful mess.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. Mr. President and Members of the Senate, I am happy to support the Motion of the good Senator.

It seems to me that we are all aware of the desperate position that the Unemployment Trust Fund is in in the State of Maine. At the present time we owe about \$22 million to the Federal Government, and this Bill, it seems to me, is a modest attempt to add some funding into that Trust Fund. It also, in addition to providing for a modest contribution by the employee, it also provides for an additional half of one percent on certain situations from the employer.

I hope the Senate will give due consideration to this Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, when the vote is taken, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, an inquiry through the Chair to any Member of the Senate who may care to answer. The paragraph begins on or after January 1st, 1977 these amounts of money will be due. The question I have here is whether, in fact, that fund has been depleted beyond the \$10 million, and that we are now going to issue a requirement that contributions begin henceforth to go at one percent.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would suggest that he read the Senate Amendment attached to the Ought to Pass Report, and he will see it is changed to 1978.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Hancock, Senator McNally, that the Senate accept the Minority Ought to Pass, as amended, Report of the Committee.

A yes vote will be in favor of accepting the Minority Ought to Pass Report. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hichens, Jackson, Katz, Lovell, McNally, Morrell, Redmond, Wyman.

NAY — Carpenter, Chapman, Conley, Danton, Farley, Hewes, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT — Huber.

13 Senators having voted in the affirmative, and 18 Senators in the negative, with one Senator being absent, the Motion to accept the Minority Ought to Pass Report does not prevail.

Majority Ought Not to Pass Report accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, An Act to Permit the Commissioner of Transportation to Designate Certain Highways for the use of Twin-Trailer Trucks. (S. P. 269) (L. D. 827)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock

Representatives:

CARROLL of Limerick
BROWN of Mexico
JACQUES of Lewiston
JENSEN of Portland
McKEAN of Limestone
ELIAS of Madison
LITTLEFIELD of Hermon
HUTCHINGS of Lincolnville
LUNT of Presque Isle

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-197).

Signed:

Senator:

MINKOWSKY of Androscoggin

Representative:

STROUT of Corinth

Which Report was Read.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I would oppose the Motion to Accept the Majority Ought Not to Pass Report of the Committee and would hope that the Senate would vote that particular Motion down and Accept the Minority Ought to Pass Report as Amended.

Mr. President and Members of the Senate: I felt secure in signing the Minority Ought to Pass Report as Amended on this particular measure, not because of the competitive rivalry between the trucking industry and the railroad, but because it improves services to the people of the State of Maine and the Maine industry. I have looked at the soaring freight rates we have had here in the State of Maine and the precarious location we have in the Northeast and also taken into consideration the present energy situation and definitely the future cost of energy and the energy dilemma that Maine will be facing, I am sure, by the 1990's.

I would call the Senate's attention to the Amendment (S-197), and the purpose of the Amendment. I know for the past 12 years that this is the first time that I have decided to endorse such a measure, but I think I hopefully adequately outlined the rationale behind it. One of the most important things I would like to call the Senate's attention to is the fact that these twin trailers will be utilized on the four lane highways in the State of Maine only between the hours of 8:00 p.m. and 6:00 a.m. in the morning. I think this is of significant value and is a very safe way of handling things, and does not interfere with weekend travel, and does not interfere with the elderly citizens who utilize the highways during the course of a day.

There has been concern expressed about the rolling freight trains on rubber wheels. I guess I have had the same feeling, but I guess we have to accept them as a fact of life if we are to maintain our life styles as we presently have in the State of Maine, both from a viewpoint of our imports and exports of products, as well as our food supplies.

The question came up about ingress and egress from that particular four lane highway, and I must say this is definitely up to the Commissioner of the Department of Transportation to make that determination. But, from my understanding, the ingress or egress from the four lane highway is within a reasonable distance, and these guidelines, I am sure, will be drawn up by the Department if this Bill is enacted into Law. The suggestion was brought out that if you use that particular philosophy this means you might even go to China with one of these twin trailers. Well I can assure you that the Maine Legislature is more astute in its deliberations and analysis of this entire situation, and I am sure the fact that these trailers would be housed within a very, very short distance, possibly a mile or two, of the four lane highway.

I would hope, very sincerely, that the Senate in its wisdom would Accept the Minority Ought to Pass Report as Amended, and allow this Bill to continue on at least to the other branch of Legislature, so that more input can be developed on a particular issue. I think it is of significant value, as I mentioned earlier, because of the energy situation, and hopefully that the Amendment will be palatable to many who otherwise would not be so inclined to go along with a twin trailer Bill during this particular Session.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, because of the appearance of a conflict of interest, I wish to be excused from voting on this matter.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to refrain from voting on this issue because of the possibility of an appearance of a conflict of interest. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I rise to support the Motion to Accept the Ought Not to Pass Report. For several years we have had this issue come before us, and every time it has come before us I have rose to oppose double trailers on our highways.

There may be a savings as far as fuel is concerned, but I think that savings would be lost in the resulting damage that it brings to our highways. We have a particular situation here in the State of Maine, especially in our winter conditions. Our roads take an awful beating as it is, and these trucks cause a great deal more of the erosion of our highways, and if you will come down on the Maine Turnpike following one of these trucks that we have on the roads at the present time, and see them weaving sometimes on slippery roads and quite often see them jackknife, you can just imagine what it is when they have two hitches and what the jackknife problems would be. If you tried to pass these with the rain coming off top of them, or the snow especially, you are taking your life in your hands every time you pass them or have them pass you.

So I think we should leave things as they are, and accept the conditions we have and accept this report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: As Chairman of the Energy Commission, I put this Bill into the Legislature basically because I felt it was a potential means of saving energy. Through the Federal Energy Administration I have learned that two short trailers pulled in tandem, and by the way I have handed out a little page showing what a twin trailer looks like. If they are permitted to be used in Maine, they could save over two million gallons of diesel fuel, or enough to heat over 1,600 Maine homes. Now 79 percent of Maine's populated communities are totally or 100 percent depend on trucks for their freight transportation needs, and the railroads have discontinued service to many of the smaller communities throughout the State.

Now I never realized when I got into this that there would be immediate knee jerk reaction from the railroads to oppose the Bill. It is my opinion that we should be using both our roads and our railroads to the maximum extent possible to get the best efficiency out of both.

Now safety becomes the major issue here, and before I put the Bill in, I went through many letters coming from many insurance carriers, which I have here and I will not take the time to read, but show them to anybody in the Senate, and all the insurance carriers stated that the safety record of the twin trailer is better than of the conventional trailer on the road, basically because they put their best drivers on the twin trailers. The trucking companies.

Concerning damage to the roads, I do want to state very clearly that I supported limiting of weight in the last Session of the Legislature — maintain it at, I believe it was 80,000 pounds. This Bill does not change the weights. All it does is it allows twin trailers with a total of up to 65 feet in length. The present trucks on the highways are 55 feet in length. So it increases it only 10 feet. It also distributes that weight over more wheels and, consequently, reduces the pressure of the wheel on the highway, and that

is what causes the damage. The damage is caused by the pressure. So if you are distributing the weight over more wheels, you are causing less pressure on your turnpike and, therefore, there will be less damage.

We do have in the state 200 miles of Interstate. Maine is at the end of the transportation line. One of its problems is that we have costs of production and those costs of production include the transportation costs. Consequently, any way we can reduce transportation costs, we should take advantage of that method, and one of these is by the use of twin trailers on light goods which are carried. You can have a greater volume carried.

I guess the issue really here becomes one of emotionalism, and from the point of safety they do have a good safety record. Also 36 states now allow twin trailers. Some of these states allow them much longer than 65 feet.

I hope the Senate would give this Bill its First Reading.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, seeing how I am an expert on highways, I would like to say a few things on this Bill.

The day will come perhaps that we will have double bottoms, and I do not think this is an issue that should be pitting the railroads against the trucking industry. But as our roads are today, and believe me I know, having just two lanes north and two lanes south, whether it is on the Maine turnpike or on any Interstate 95, is not a safe way to have double bottom trailers. The good Senator from York, Senator Hichens hit it right on the nose when he said on rainy days, and especially in the winter time, when you try to pass a trailer to get up here to Augusta, you are taking your life in your hands.

When we do decide some day and we meet all the environmental objections as to whether we should have four lanes north, four lanes south, four lanes east, or four lanes west, and for these double bottoms to stay in the right hand lane like they do in other states, the Mass Turnpike for example, New York throughway, that is the way double bottoms should be allowed into the State of Maine.

I am going to vote against this Bill today.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of this Senate, this double bottoms Bill is a mild issue compared to the reciprocity Bill we had in the Senate 30 years ago. If you really want to witness a real tough situation, you ought to have been here then. Reciprocity let outside trucks come into Maine and Maine trucks to go outside without registering in other states. But it was a real hot issue.

Now this Bill is not going to change my way of living, I do not think. But the one thing about this Bill that I do not like is putting the responsibility on the Commissioner of Transportation to designate the road. And, I do not think that that is fair. I think the Legislature should designate the roads where the trucks are going to operate.

Now, the Senator from Penobscot is right when he tells you that there are roads that they haul longer trucks than 65 feet. There are states across country that it is legal to haul 110 foot trailers, and they are mostly triple-bottom.

This Bill does not bother me too much, but I did have an official of one of the largest trucking companies in New England say that they were not going to ask for the double bottom Bill this year. They have been clobbered so many times that they had given up. Now there has been some comment about the railroads opposing this Bill, and that is true, but if you really want to know where the opposition is, you want to talk with the Maine motorists, the person that is driving the automobile. Now this Amend-

ment that is going to be offered, if this Bill is accepted, to me is worse than the Bill itself. If we are going to have the double bottoms, I think they should be traveling in the daylight, not at night, so that the motorist could tell somewhere near what he is going to meet and how he is going to operate.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: briefly in response to my dear friend, I feel basically that if the Commissioner of Transportation objects to it, and the basic reason why this was put in on that particular basis was so that he would have direct input in making a determination as to what the safest road would be, and in his Department they seem to have input in everything else in making Federal Grants, 90-10 grants to build highways in the State of Maine, it would only seem logical that he have the same input in making this determination as to the running hours and other things in reference to this particular matter.

I concur to a certain degree that maybe the motorists in the State of Maine do object to having trailer trucks on the road, but, as I mentioned earlier; this is our life style. We cannot change this particular factor. And if we intend to progress in the State of Maine, we must accept this as a part of the way we do things.

Senator Danton brought out that maybe in the future. Based upon what he said earlier, we are still going to have winters in the State of Maine, we are still going to have rain the year round. These factors will not change.

I think this is the time to render a decision and not procrastinate and put it off to a later date, because the situation in the United States is not going to improve insofar as energy. I think Senator Trotzky is absolutely correct as Chairman of the Energy Committee, that this will save a substantial amount of fuel. It will heat a substantial number of homes and I think it is a trend in the right direction.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate, I can see if this Bill is passed quite a cost, because it does not say who is going to pay for building the egress or whatever you call it down near the New Hampshire line. These double bottoms cannot go through New Hampshire. No double bottoms coming up from Massachusetts is going to go through New Hampshire to get here, unless they are going to ride on some skyhooks somehow, and there would have to be a way to change to double bottoms after they have come into Maine. Who is going to pay for that? Is that going to come out of the Highway Fund, which is already so far down that you have a Bill that was in the other House yesterday and is very much needed, and that was one of the things that caused me to sign it Ought Not to Pass; was the cost of this.

When the vote is taken, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Waldo, Senator Greeley, that the Senate accept the Majority Ought Not to Pass Report.

A yes vote will be in favor of accepting the Majority Ought Not to Pass Report. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley, Greeley, Hichens, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Wyman.

NAY — Chapman, Hewes, Minkowsky, Redmond, Trotzky, Usher.

ABSENT — Huber.

24 Senators having voted in the affirmative, and 6 Senators in the negative, with one Senator being excused, and with one Senator being absent, the Motion to accept the Majority Ought Not to Pass Report does prevail.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

RESOLVE, to Provide for Regional Special Education Compacts. (H. P. 1643) (L. D. 1842)

Bill, An Act to Repeal the Age Limit for Directors of Mutual Institutions. (H. P. 860) (L. D. 1049)

Bill, An Act to Amend the Elderly Householders Tax and Rent Refund Act to Allow Access to State Tax Assessor's Records by the Department of Human Services. (H. P. 919) (L. D. 1115)

Bill, An Act to Enable Domestic Stock Insurance Companies to acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value For Their Shares. (H. P. 902) (L. D. 1117)

Bill, An Act to Clarify the Provision Relating to Late Payment of Insurance Claims. (H. P. 1023) (L. D. 1247)

Bill, An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services. (H. P. 1447) (L. D. 1673)

RESOLVE, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977. (Emergency) (H. P. 1615) (L. D. 1822)

Bill, An Act Providing for Establishment of a State Tax Mix. (H. P. 1647) (L. D. 1848)

Bill, An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders. (H. P. 1648) (L. D. 1849)

Bill, An Act to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections. (H. P. 1649) (L. D. 1850)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

House - As Amended

Bill, An Act to Amend the Maine Income Tax Law. (H. P. 1514) (L. D. 1749)

Which was Read a Second Time.

On Motion of Mr. Wyman of Washington, Tabled until later in Today's Session, Pending Passage to be Engrossed.

(See Action later today.)

Bill, An Act to Encourage the Use of Solar Energy in Maine Through Tax Exemptions. (H. P. 1645) (L. D. 1845)

Bill, An Act Relating to Special Education Tuition and Board. (Emergency) (H. P. 1638) (L. D. 1836)

Bill, An Act to Prohibit State Officials From Appearing on Media Advertising Funded by the State. (H. P. 440) (L. D. 547)

Bill, An Act to Increase Certain Fees under the Pharmacists Law. (H. P. 1110) (L. D. 1377)

Bill, An Act to Remove Sales Tax from Residential Water. (H. P. 1400) (L. D. 1567)

Bill, An Act Authorizing the Approval of New School Construction in the Town of Stockholm. (Emergency) (H. P. 1613) (L. D. 1821)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate

Bill, An Act Prohibiting the Dissemination of Obscene Matter to Minors. (S. P. 533) (L. D. 1861)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Passage to be Engrossed

Bill, An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families. (S. P. 531) (L. D. 1853)

Bill, An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations. (S. P. 532) (L. D. 1860)

Bill, An Act to Require That a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy. (S. P. 251) (L. D. 759)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Bill, An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 530) (L. D. 1859)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to ask the Chairman of the Appropriations Committee how much the budget bill increases the Human Services Appropriation for the biennium ahead as compared to the previous biennium.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I do not have that total before me, although I will find it shortly.

The major increases in this area, however, are in medical care, intermediate care. Medical care in the Governor's budget for the biennium showed, as you remember, a 46.7 percent increase, and intermediate care a 29.6 percent increase, — the dollar totals being roughly \$12 million and \$5 million.

I will find the annual difference shortly, and I hope we will have the opportunity to let the Senator from Knox know the answer to his question.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending Passage to be engrossed.

(See Action Later Today)

Orders of The Day

The President laid before the Senate: Bill, "An Act to Establish a Property Tax Exemption for New and Expanding Businesses." (S. P. 416) (L. D. 1457)

Tabled — June 6, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

On Motion of Mr. Speers of Kennebec, Retabled.

The President laid before the Senate: Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 436) (L. D. 1513)

Tabled — June 6, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move this item lie on the Table.

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves that L. D. 1513, be tabled. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a Division on the Motion made by the Majority Floor Leader.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 1513, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move this item be tabled until Later in Today's Session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 1513 be tabled until Later in Today's Session.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Motion to table until later in Today's Session.

Will all those Senators in favor of tabling L. D. 1513 until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to tabling L. D. 1513 until later in Today's Session, please rise in their places to be counted.

9 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to table until later in Today's Session does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move L. D. 1513 lie on the Table.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 1513 be tabled.

The Chair will order a Division.

Will all those Senators in favor of Tabling L. D. 1513, please rise in their places to be counted.

Will all those Senators opposed to Tabling L. D. 1513, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to table does prevail.

(Off Record Remarks)

The President laid before the Senate:

Bill, "An Act to Revise the Excise Tax on Camper Trailers." (H. P. 953) (L. D. 1147)

Tabled — June 6, 1977 by Senator Speers of Kennebec

Pending — Enactment

Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

Senate Reports — from the Committee on Taxation — Bill, "An Act to Make Possible Property Tax Valuation Assistance to Local Officials. (Emergency) (S. P. 464) (L. D. 1607) Majority Report — Ought to Pass: Minority Report — Ought Not to Pass

Tabled — June 7, 1977 by Senator Wyman of Washington

Pending — Acceptance of Either Report

On Motion of Mr. Speers of Kennebec, Retabled for Two Legislative Days.

The President laid before the Senate:

Bill, "An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or More Insurance Carriers." (H. P. 1261) (L. D. 1490)

Tabled — June 7, 1977 by Senator Hewes of Cumberland

Pending — Passage to be Engrossed

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I have had an Amendment prepared, which is about to be printed and circulated, and I would appreciate it if somebody could table this until later in Today's Session.

On Motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

(See Action Later Today)

The President laid before the Senate:

Bill, "An Act to Provide Relief from Extremely Burdensome Property Taxes." (S. P. 386) (L. D. 1331)

Tabled — June 7, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now offers Senate Amendment "A" (S-196) and moves its adoption. The secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, the purpose of this Amendment was alluded to in the debate the other day, and the purpose of the Amendment is to put before the people of Maine, or if we pass it along with this Bill it would put before the people of Maine another choice, not a mutually exclusive choice but another choice as to what to do about the problem if, in fact, it is perceived by the people of Maine that there is a problem with property taxation, and this Amendment would require that before this property tax relief went into effect that the people of Maine would have to vote to put it into effect, and it would require as well that the issue would be put immediately after the issue as to the Uniform Property Tax. So the voters of the State of Maine would have two choices — if we accepted this approach today and ultimately pass the Bill, would have two choices before them as to what to do about the problems of property taxation in Maine. As I said before I do not see them as mutually exclusive but I think that we are in for a discussion of property taxation again this Fall. I hope that we are, and I think that people on both sides are anxious to engage in a debate about the Uniform Property Tax and its merits, and the merits of property taxes in general.

I submit to the Senate that we should include in that debate, by our actions here, the discussion of what I feel is the fundamental concern on the part of most people with property taxation, which is not that they have property taxes, but that the property taxes at the extreme are unrelated income. Let me say a few words about that.

It is a well known fact that the lower your income, the greater percentage of your income has to be dedicated to the necessities of life, and housing is the most obvious example of that fact. In other words, if you earn a low income it is more likely that you put a high percentage of your income into housing. Therefore, to some extent, any property tax relief program which relates income paid to property taxes paid is going to result in a greater pay out to people in the low income, taken on average, than people on the high income, taken on average.

But, I would point out to the Senate that in this proposal, if it were put before the voters, is truly a proposal that affects or could affect everyone. There is no income limitation on this proposal. It is not a welfare measure or an income redistribution measure. This is a proposal

that is what it purports to be, and that is a measure that sees to it that if your property tax exceeds a certain percentage of your income, that the circuit will break. I suggest to the Senate that there are people in many different situations in life that could be helped by an Amendment of this kind. Maybe in only one or two years of their productive career. Maybe they are a very successful real estate salesman, and for one reason or another they have a very bad year; and in that bad year they would have the opportunity to see to it that their property taxes exceed a bearable portion of their income.

Now I hope that the Senate will adopt this Amendment, not because I think that the Senate should be reluctant to pass this measure without it going to the people, but because I think that we can take advantage this Fall, and we have a chance to take advantage this Fall with a full discussion of property taxation in Maine. I would like there to be a wide enough number of choices, and a number of choices that could affect, in a positive way, a wide enough number of people so we have a good turn out at the election. There is no economic incentive. There is no self interest incentive for the people of the City of Westbrook, or the people of the City of Portland to turn out, even if they are very upset with property tax problems, to turn out and vote in the election this Fall vis-a-vis the pay in situation and the uniform property tax. By broadening the question on property taxation, it would be my feeling that it would be possible to turn out a broader number of voters and to have a broader discussion about where we should go with property taxation in Maine.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, I oppose Senate Amendment "A" (S-196) for the following reason: I think the question is misleading to the people of the State of Maine. I think that it should be termed "An Act to Provide Relief From Extremely Burdensome Property Taxes by Increasing the State Income Tax by \$10 million." I feel that is what the real question should be. Everybody would like relief from extremely burdensome property taxes, but someone has to pay, and I think Senator Merrill ought to indicate in his question who is going to pay.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As the Senator from Penobscot, Senator Trotzky, knows full well that anytime you relieve somebody from taxation or from a part of their tax burden, either you have to find a way to make that savings within the government, which is for the most, make the payment out of increased revenues, which is the way we funded the inventory tax repeal this year to the tune of \$14 million for the industries of the State of Maine, or you have to find another place to raise the money. I do not have any problem with that, and I do not think that the voters are fooled, and when the voters see the Senator from Penobscot put an Amendment to provide major tax relief for the airport at the City of Bangor, I do not think the voters think that Mr. Trotzky is going to pay for it out of his own pocket.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate, I would oppose the Motion for adoption of this Amendment for several reasons actually.

First being that this is, of course, an issue of major importance, but for the purpose of deciding issues of major importance is the reason that we are elected to this job. Hopefully, it is the reason that we place our names in nomination and run as candidates to offer

ourselves and our service to the people of this State, to come here and make the decisions. Some of them are very difficult to make.

The other reason that I oppose the adoption of this Amendment at this time has been alluded to by the Senator from Penobscot, Senator Troitzky, and that is that the question that would be presented to the people is only half the question, and I think that because it is only half the question, it is a dishonest question. There is nowhere that the people would know that this matter would cost the State Government \$10 million when they go to the poll and go into the booth to vote on that particular item next Fall. But it has a \$10 million price tag on it, and I am not shy about saying that I have supported and continue to support a shift in the costs of government away from the property tax onto the broader based taxes. That is what we have been talking about in this Chamber and in the Legislatures for the last three terms, and that is what we have consistently voted for in all three of the last three legislatures. But I think it would be dishonest to go to the people and say we are going to provide you with a reduction in your property tax without at the same time telling them that it is going to cost them an additional \$10 million to come from some other taxes. We do not have any printing presses here in Augusta. The only place that we can get that money is through additional taxation or through a cut in State services.

I think it is incumbent on those who would promulgate the question to the people to ask the full question, and perhaps there should be right in this Bill an identification of the source of that \$10 million reduction in property taxes. Where is that money going to be made up? That is the reason that we have an Appropriations Table so we can order these priorities, and that we can determine where the money is going to be made up.

Now the sponsor of this measure has not been shy in the past of sponsoring additional income tax increases, and if that is where we are going to be getting this additional \$10 million, that income tax increase should be right on the Bill and the voters of the State should be presented with the full question, not just half of the question. Do you want to have your property taxes reduced by \$10 million and your income tax increased by \$10 million, or if there is an identification of where \$10 million can be saved in State Government, then that ought to be indicated as to where the cut in services are going to be made. That is the issue that we are faced with on this particular vote.

I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I am sorry to hear the Majority Leader say he thinks the question is dishonest, because, of course, by implication he is saying that the people who prepared the referendum going to the people are liars, and he can make that position and take it around the State and I hope he does this Fall.

I do not think when they proposed the question suggesting that the Uniform Property Tax be repealed and did not spell out in great detail how the difference of the money was going to be made up, not that they were doing anything dishonest, because I do not think that they assumed total ignorance on the part of the people. Neither do I. And I am not shy from standing before anybody, Members of this Chamber or anywhere else, and saying that the \$10 million has got to be made up from some source, that you cannot give up \$10 million worth of property tax revenue or any other kind and not make it up from some source. I would admit that.

But you know this Chamber this time voted to increase the property tax the people of Maine

pay by \$18 million as part of their continuing march towards holding down the property tax that the Senator from Kennebec, Senator Speers, refers to. I think that if we are going to continue, you know, increasing property tax \$18 million a year, if that is going to be the approach that we are going to follow, that maybe at some point we ought to consider giving \$10 million worth of relief to the property tax to the people that pay the highest percentage of their income in property tax.

So I am not reluctant to say that it would have to be funded out of the 9 percent growth that we have in revenues, or that it would have to be funded, that that tax source might have to be funded from replacement of some other tax source. I am not reluctant to say that, and I was not reluctant as the good Majority Leader points out a year ago to amend a Bill which was sponsored by the Republican leadership in the House, which would have put an income tax on everybody, and a cigarette tax on everybody, and provide for some income tax reform which just had a few of our people who at that point were paying a much lower percentage of their income in State and Local taxes to pick up the burden. Myself and many of my friends were included in that, but I was glad to do it, glad to make that extra effort.

So I think that I can assure the good Majority Leader, and, of course, he voted for that, so I know that when we come back if the people have a chance to put this into effect, that he will join with me in voting whatever we have to do to pay for this. But, do not be fooled. We are not talking about \$10 million being spent on new programs. I think it is an important distinction to understand. All we are talking about is \$10 million that is now taken from people in the effect of more than 5 percent of their family income and making that up from some other source. The net taxation paid by the people of Maine will not change, but the effect on a lot of people who are paying an extremely burdensome portion of their family incomes in property tax will change, and that is what this Bill is about. That is the issue that should be addressed, and I do think it would be helpful to the debate that is about to take place on property taxation to broaden the question somewhat.

Now there are some who are satisfied to go to the voters this Fall on the question of Uniform Property Tax and defend the status quo as it presently exists, to say to the voters of Maine at least we have taken an unfair tax system and spread its unfairness evenly throughout the State. And, to those people, I suggest maybe if you think the people of Maine will buy that, then you probably should be against broadening the question. If you think that it would be better to put to the people of Maine the question of how to make the system fairer or at least how to take its most unfair features out, then I suggest it might be good to put another question before the people this Fall.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am not going to debate particularly the merits of the Amendment, but I would like to make a contribution about the question of property taxation as it faces us today.

I have never heard anybody say in this Chamber or in the press that the last Legislature increased the sales tax, and yet the sales tax generated millions of dollars more revenue this year than it did last year. Did we raise the sales tax? The answer is no. Inflation inflated the price of goods and services and the State collected more money. Did we raise the property tax? My answer is no, unless you are willing to say we also raised the sales tax. I deny that we raised the property tax in the State.

Some mention has been made of the inventory tax and the implication is very clear all over the

State that the inventory tax reimbursement schedule was unfair to many people. I happen to notice in the press the fact that the one tax that has generated more revenue than estimated by far is the corporate income tax. Now I suggest to you that in all this heat about taxation conversation we have overlooked the fact that it now appears, at least to me, that the corporate income tax has indeed covered the cost of the inventory repeal.

Maine now has the lowest per capita property tax in New England. The City of Augusta has a lower tax today, a lower tax rate today than it did eight years ago. The Town of Chelsea, the town of Vassalboro, the town of Windsor, the city of Hallowell all have property taxes that are under control. As a matter of fact, in most of the State, property taxes have long since disappeared as a hot political issue. I said most of the State, and I am particularly sensitive to those communities where it is a very real hot issue, but in most of the State, as I have gone to town meetings and read reports of town meetings, property tax simply is not a very hot political issue, and when I first got into politics that was it. Property Tax went up and up and up and it jeopardized home ownership. Well, for most people in the State, property tax does not jeopardize home ownership any longer.

I am going to vote for the passage of the Bill, but after some real soul searching, I guess, I am going to vote against the Amendment. I cannot recall that any Legislature in which I have participated has ever put out a tax question to referendum. We passed the sales tax and it stood up. We passed the income tax and the question was actually brought to the people by petition and it stood up. I know that there were those who feel perhaps democracy becomes more pure if we put tax questions out to the people who are going to have to pay them, but I think that to reduce the effectiveness of the system of checks and balances that we have, and I think on that basis it is a procedure that I would not care to follow, and, consequently, shall vote against the Amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question is adoption of Senate Amendment "A" to LD 1331.

A Division has been requested.

Will all those Senators in favor of adoption of Senate Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to adoption of Senate Amendment "A", please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is adoption of Senate Amendment "A" to LD 1331.

A yes vote will be in favor of adoption of Senate Amendment "A". A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Danton, Martin, Merrill, O'Leary, Pray.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Troitzky, Usher, Wyman.

ABSENT — None.

6 Senators having voted in the affirmative.

and 26 Senators in the negative, Senate Amendment "A" fails of adoption.

The Bill Passed to be engrossed.
Sent down for concurrence.

Order

Out of order and under suspension of the Rules, and on Motion of Mr. Levine of Kennebec,

WHEREAS, perhaps the highest honor and privilege held by a person living in the United States is that of being a United States citizen; and

WHEREAS, we should be mindful of the many sacrifices and labors which men and women have undertaken in order to achieve this high honor and privilege; and

WHEREAS, Mrs. Dimitra Daoutakos Danton, the mother of Senator Peter Danton, is a living example of the high esteem which should be placed on United States citizenship; and

WHEREAS, Mrs. Danton, who is 85 years of age, was sworn in as a citizen of the United States of America on June 7, 1977: now, therefore, be it

ORDERED, that we, the members of the Senate of the State of Maine, do extend our sincerest congratulations and heartfelt best wishes to Mrs. Danton and to her proud son, Senator Peter Danton, on her new citizenship; and be it further

ORDERED, that a suitable copy of this Order duly attested by the President of the Senate be sent forthwith by the Secretary on behalf of this legislative body and the people of the State of Maine.

Which was Read and Passed.

Senator Danton of York was granted unanimous consent to address the Senate on the record.

Mr. DANTON: Mr. President and Members of the Senate, Yesterday the Federal Judge, Judge Gignoux, came to the Greek Orthodox Church in Biddeford and declared that a Federal Court, and there had gathered about eight, I believe it was, elderly Greek immigrants that came to this Country at the turn of the Century. My mother was one of them. It was the proudest day of their lives.

My mother came to this Country as a very young girl, met my father, got married, had 10 children, always had a desire to become an American citizen, but because she never could go to learn how to read and write the language, never was able to go and take the test. Through the Immigration Department, a Mr. Poulin, and Harold Pachios and Judge Gignoux's office, they somehow got together and made this possible, to take and come and make these elderly Greek immigrants become United States citizens. I want you to know I certainly appreciate it, the Judge leaving a very busy schedule that he has to come down to the Church and declare it a Court like he did, and perform the ceremony. There were about 200 people there from all over the State. It was a historic occasion, and I want you to know that my mother and the others are very proud today to have left the cradle of democracy and live today in the greatest democracy in the world.

Thank you very much.

(Off Record Remarks)

The President laid before the Senate:

Bill, "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute. (H. P. 1618) (L. D. 1819)

Tabled — June 7, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed
On Motion of Mr. Katz of Kennebec,
Retabled for One Legislative Day.

(Off Record Remarks)

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election." (H. P. 1028) (L. D. 1246) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-452); Minority Report — Ought Not to Pass

Tabled — June 7, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report, and I ask for a Division, and I would like to speak to my Motion.

This Bill is a very simple Bill. Presently if you are a Republican and wish for any benighted reason to vote in the Democratic primary, you must make your decision as to changing party enrollment 90 days ahead of time. This Bill would shorten that period to permit crossover after a wait of only 30 days.

There is no overwhelming argument for making this change within the Committee, and that is why those of us who gave the matter considerable thought and searching inquiry, even though we were in the minority, were opposed to the passage.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I oppose the Senator's Motion, and I would just like to explain.

I agree with the Senator that 90 days or 30 days really does not make that much difference, but I think the time has come when we probably should look at that. The original Bill called for 14 days. I thought that was too short a time period. 30 days, I think, is workable.

I would like to tell you about Peter Garland who went on to become a United States congressman from my city, the City of Saco. Many Democrats at that time who wanted to support Peter were not Republican, and he needed help in the primary, including one Peter Danton who was an enrolled Democrat at the time. I wanted to change my enrollment just so I could vote for him in the primary, because I thought it would be a nice thing to have a Congressman from Saco. At that time when I went down to change my enrollment, I could not do it, because I was just three days shy of the time period.

90 days was good years ago when we did not have computers and people could not get in to get their enrollment changed, and a number of things have changed from then to now. I think 30 days, if someone wants to change their enrollment from Democrat to Republican, or Republican to Democrat, I think that gives them plenty of time, and I think the Boards of Registration can handle it with ease. Maybe years ago before computers and all the other machinery they have in those offices, it may have been difficult and, who knows, maybe if I could have changed my enrollment to vote for Peter Garland, today I might be part of the Majority Party in here, and I might be able to be a Chairman of some Committee.

But, in any event, I would hope that we would pass this Bill today. I think 30 days, if someone has any intentions of changing their enrollment to help someone get elected, I do not think it is such a big deal. I think 30 days is workable, manageable and I would hope that you would vote against the Senator's Motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A Division has been requested.

With all those Senators in favor of accepting the Minority Ought Not to Pass Report, please rise in their places to be counted.

Will all those Senators opposed to accepting the Minority Ought Not to Pass Report, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 19 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass, as amended, Report accepted.

The Bill Read Once. Committee Amendment "A" Read and Adopted in non-concurrence. House Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate: Bill, An Act to Amend the Maine Income Tax Law. (H. P. 1514) (L. D. 1749) which was tabled earlier in Today's Session by the Senator from Washington Senator Wyman, pending passage to be engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a Bill that I pointed out to the Senate yesterday. I am concerned, although this does not involve any increase in taxes State-wide, it does involve what appears to be a significant shifting of who pays the taxes internally, and I think that just the nature of this shift is something that we should know before we pass this Bill out of here.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: I think we have an Amendment that takes care of it, but I would like to read the Bill, so I hope someone will table it for One Day.

On Motion of Mr. Morrell of Cumberland.
Tabled for One Legislative Day, Pending Passage to be Engrossed.

The President laid before the Senate: Bill, An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 530) (L. D. 1859) which was tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending passage to be engrossed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate, I would like to attempt to give the good Senator from Knox, Senator Collins, a more satisfactory answer concerning the increases in the Appropriations to the Department of Human Services. In the fiscal year 1977 roughly \$57 million was appropriated to this Department. In 1978 \$64,270,000 is proposed in the budget and in 1979 \$70,990,000 is proposed. Most of this increase, as I have mentioned, is in the Medical Care and Intermediate Care Account roughly in the amount of \$12 million and \$5 million respectively. Incidentally, I would mention that this departmental appropriation has been reduced \$2,203,000 from the recommendation contained in the Governor's budget proposal contained in L. D. 118.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to expand on the statement by the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber, just briefly if I could.

The Department of Human Services has been

one of the Departments over the last five years or four years, if we look at the projections as they were given to us originally by the Governor, that has grown the fastest in the amount of money that is spent by it. And, if we had accepted the recommendations of the Governor at face, the increase from 1975 to 1979 and the General Fund money spent by the Department of Human Services would have been 46 percent over that time period. That compares to about 34 percent across the board of all the departments together.

The Appropriations Committee took a long look at every one of the items in the Human Services Department, and what we found as pointed out by the Chairman of the Committee is that many of the items are really items that we do not have within our power to control. They are fixed costs. They are entitlement programs, and there is very little we can do, particularly because many of those entitlement programs are incurred by Federal requirements to control those costs. Also because, I would be fast to point out, the economy is still lagging and because of that, of course, the cost heaps extra costs on many of the services that are provided by the Department of Human Services.

Hopefully if we can get some growth in the economy and get the State back to work, we can see some further reductions in this account. But the \$2 million plus or minus that the Committee has cut out was a result of a great deal of effort to make sure that we were trimming as closely as we could to the necessary money that we had to spend, and I think reflects a good effort on the part of the Committee, an effort which involved a great deal of work with the Commissioner of the Department of Human Services in which he was very cooperative and very helpful to the Committee. I think that it is the best that we can do with holding the costs of the Department in line without violating our obligations under those entitlement programs.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, to touch on the budget matter just briefly, the Human Services budget. I think this is just another reflection of the serious problem we are facing in health care—cost increases, and I know I have talked to the Commissioner of Human Services, and he says that this is reason his budget has gone up so much in the past couple of years, and I would just call your attention to a full page article, or series of articles in, I believe it was Monday's Portland Press Herald about the sky rocketing cost of health care. And I would just call your attention to a Bill which should be coming out of Health and Institutional Services in the near future.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would hope to provide a little bit more time to have people look at LD 1859, and, therefore, would hope that somebody would see fit to table this One Legislative Day.

On Motion of Mr. Morrell of Cumberland, Tabled for One Legislative Day. Pending passage to be engrossed.

The President laid before the Senate: Bill, "An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or more Insurance Carriers." (H. P. 1261) (L. D. 1490) Which was tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending passage to be engrossed.

On Motion of Mr. Hewes of Cumberland, Retabled for One Legislative Day.

(Off Record Remarks)

Senator Conley from Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate, there has been a great deal of news relating to an incident on I-295, the Interstate Highway between Gardiner and Topsham over the past week. I would like to address myself to that particular news item.

First, I would say that having served in Augusta for a number of years that it has been my opportunity to view the construction of I-295 almost really from its commencement starting down in the southern part of the State up to the termination part here in Gardiner where it moves onto Augusta and hits the Maine turnpike. I would like to state that it appears to me that the pyramids in Egypt were built in a much more rapid time period and probably much cheaper also. It also occurs to me that even the Alaska Pipeline was shot across that State in a much more rapid space of time.

Most recently, though, there has been a great deal of criticism because of the fact that some Legislators, primarily myself and another Senator from this Body, namely my seat mate, my Assistant Minority Leader, Senator Danton, was ticketed allegedly for traveling on the closed section of Interstate 95. Several weeks ago a great number of people, — in fact, it has been going on for perhaps a year or so as to what appears to be the delay on 295 between Topsham and Gardiner. All one has to do in the southern part of the State is talk about moving turnstiles on the Maine Turnpike up from one section of the southern part of the State to another section, and you can create more politics and furor by mentioning that subject anywhere.

A lot of us have felt that there has been a great deal of politics going on between the Department of Transportation and the Maine Turnpike Authority. We feel that is probably one of the major reasons why there has been such a delay in the construction of or at least the opening of 295 on up from Topsham.

I noticed that in this morning's Press Herald and the Kennebec Journal of yesterday and the Brunswick Daily Times of last Friday, or whatever they call the paper, that every day another newspaper seems to be publishing a picture of the vehicle with Senate plate 4 on it. No one knows who the two individuals are in the paper. In fact, the person on the right has never been mentioned. He is sort of a Lamonte Cranston, who seems to be slipping very slowly into his seat, not even knowing that his picture was being taken, but I am sure very embarrassed of the fact that the State Trooper happened to be out on 295.

But this whole incident disturbs me, and it disturbs me primarily because I believe Senator Danton, and any other Legislator who has come down that road, has been doing it perhaps with two things in mind. Perhaps it is a short cut home. But it is also, at least in my opinion, within his rights to find out why this highway has never been opened. I think anyone can ride down that road and see a nice, beautiful white path of cement and concrete, with some bituminous road in between in some areas, and it is just the most beautiful stretch of highway that could ever be put together, and I commend the contractor, whoever he is, for the excellent work he has done. But it has been lying there like this for a long period of time.

Because some of us in the south have been getting some flack as to why it has not been opened, some of us took it upon ourselves to review I-295. And, believe me, I suggest that you all try it, and because of the fact, and I firmly believe because of the fact, that some Legislators took it upon themselves to go up 95, is one reason why it is being opened on the 15th.

I call my attention though to the picture of the press, and I will ask if this is fair play to any

Member of this Senate, to have a member of the press to be riding with a Member of the Maine State Police, unbeknown to the two individuals in that car to have their picture taken, and have it photographed for allegedly violating a Section of the Law which has not really been spelled out. But what the unfairness of it is to me, and I have told this by many members of the press, if they would get off their buttocks and go out on 95, the question might be also risen publicly by them why 295 has not been opened.

(Off Record Remarks)

Senator Speers of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate, I certainly do not want to get into a discussion about why 295 has been closed to this point, and why it may now be going to be opened.

I think that we are elected to serve here because there are ways in this Country in which we can bring about change. I would just object, and I would not like to see the statement go unchallenged on the record of this Body, that we as Legislators have some inherent right which other citizens of this State do not have, and I would simply like to point out that we impeach Presidents for breaking the Law.

Senator Conley was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate, there is a question in my mind as to what my response really is as a Legislator. I think we have found for the first time in the history of this Contry that an Attorney General was just marched off to jail for violation of the Law. There are questions in my mind as to whether or not there is or was a co-conspiracy between the Maine Turnpike Authority and the Department of Transportation of holding up the opening of this particular highway for the sources of additional revenues for the Maine Turnpike Authority. There are questions in my mind if I feel that the Bangor Mental Health Institute is not being operated or performing functions, do I have a right as a Legislator to go in there and inquire as to what is going on?

I am not above the Law, nor have I ever intended to place myself above the law, but when I see a road, and I know that this highway has been completed for at least a period of three and one-half weeks, that nothing as far as construction has been done, just because of the fact that I have travelled it daily, I do not believe that I am trying to place myself above the Law, and I think that even because of the fact that other people, other than myself, have applied enough pressure, — let us go back just a few days. Back last October the Commissioner of the Department of Transportation said that 295 would be open in the Fall. We were then told 295 would be open in the Spring. We were then told that 295 would be open July 4th or around in that vicinity. I think because of what has happened, that 295 is now being opened as stated in this morning's paper, on June 15th. And, it is because public pressure and the pressure has been brought on the Commissioner to get his troops together, and, as far as I am concerned, I believe that it could be opened tomorrow if they wanted to go to work on it and fill that apron in down there at Topsham, because that is the only thing that I can see physically that has to be done, and I do not feel that I or any legislator is above the law.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President, and Members of the Senate, two years ago I was disturbed about reports that I had heard over at the Augusta Mental Health Center. I went over

there one night and I as told that I was not allowed to come in without permission. I came over the next morning, went to the Commissioner of Mental Health and Corrections and got a statement from him, a signed statement that I could carry with me, that at anytime I wanted I could go into any of the institutions under his supervision throughout the State.

I believe that the same applies to these gentlemen who broke the Law by going past the sign which said Closed to the Public. If they had gone to the Commissioner of Transportation, I am sure that he would have given them an escorted tour of that area, so they could inspect it for the benefit of their constituents.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate, I can assure the good Senator from York although I did not have it in writing, the Commissioner was fully aware at all times and I had made the statement to him on several occasions that I was traveling 295 and could not understand why it was not open.

Senator Greeley of Waldo was granted unanimous consent to address the Senate on the record.

Mr. GREELEY: Mr. President and Members of the Senate, this is my ninth year that I have done business with Roger Mallar by being Chairman of the Transportation Committee. When I first started I had never even met Roger Mallar, but I think Roger Mallar is one of the most outstanding and most honest department heads there is in the State of Maine. I think the State of Maine is very fortunate to have Roger Mallar.

He really amazes me in his ability to get along with people and do the job that he is doing with what money he has to work with.

Now, as far as I know, the Department of Transportation has not had the easiest person in the world to work with as a contractor. This man is out of State, and he has caused all kinds of problems because, the way I understand it, there are many things that he did not intend to do right in the first place. And if he could have got away with it, he probably would have.

Now this is one of the disadvantages of going out of State and hiring somebody to do something that you do not know. We have contractors within this State, in my opinion, that are really outstanding and they are honest and they should have had the job in the first place. Now they did use cement on the road, but one of the reasons they used cement on the road is to help the cement plant down at Thomaston, because they thought maybe they would have to close up if they did not get an increase in business, and that is what they did. Now, right now, at the present time, this contractor that is doing 295 down here is paying a penalty because he has been dragging his feet, and he has gone over time.

Now I have the greatest admiration for the Chairman of the Department of Transportation, and I am not going to sit here and think that the Chairman of the Transportation Committee is holding up this road down here in Topsham or Gardiner, or wherever it is, just to get some tolls on the Maine Turnpike, because they already tell you that when this road opens up we are going to lose about a million dollars a year, so I am staying with Roger Mallar.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland.
Adjourned to 9:30 tomorrow morning.